IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

Bail Appl..No. 1970 of 2007()

CMP.667/2007 of J.M.F.C.-III,KOZHIKODE

.....

(CRIME NO. 63/2007 OF KAKKUR POLICE STATION)

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PETITIONER/ACCUSED:

VIJAYAN @ VIJAYAKUMAR,
S/O.GANGADHARAN NAIR, VALAPPIL HOUSE,
CHELANNUR AMSOM DESOM.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS: COMPLAINANT & STATE:

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1. SUB INSPECTOR OF POLICE
KAKKUR POLICE STATION, KOZHIKODE.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. K.S.SIVAKUMAR
SRI.MANJERI SUNDERRAJ

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1970 OF 2007

Dated this the 13th day of April, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner, who is the first accused in Crime No.63/07 of Kakkur Police Station for offences punishable under Secs.452, 420 and 427 I.P.C., seeks his enlargement on bail. The petitioner was arrested on 18.3.07.

2. Learned Public Prosecutor opposed the application submitting that police custody of the petitioner has not so far been obtained.

3. It is true that the investigating agency has filed an application for police custody of the petitioner and JFCM-III, Kozhikode had granted police custody of the petitioner from 11 a.m. on 22.3.07 till 5 p.m. of the same day. But on account of hospitalisation of the petitioner, police custody of the petitioner could not be taken. There is no dispute that after seven days of the hospitalisation the petitioner has been sent back to the prison. Excluding the period of hospitalisation judicial custody of the petitioner has exceeded 15 days. Hence, police custody of the petitioner cannot thereafter be granted. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each

for the like amount to the satisfaction of the J.F.C.M.-III, Kozhikode and subject to the following conditions:

1. The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall make himself available for interrogation as and when required by the police till the filing of the final report.

3. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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